

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEW JERSEY
M.L. KING, JR. FEDERAL BUILDING
50 WALNUT ST., 3RD FLOOR
NEWARK, NEW JERSEY 07102

VINCENT F. PAPALIA
BANKRUPTCY JUDGE

PHONE: (973) 368-1244
FAX: (973) 645-3696

September 11, 2017

Re: In re John R. Link
Case No. 17-10820 (VFP)

Mr. John Richard Link
515 Yale Avenue
Hillside, NJ 07205

LETTER OPINION

ORIGINAL FILED WITH THE CLERK OF THE COURT

Dear Mr. Link:


The Court has reviewed the Notice of Motion to Reopen Case and Waive Fee (the "Motion") and Application to Have Filing Fees Waived that you recently filed in this case. Your Motion is denied for the reasons that follow.

First, you still have not complied with certain provisions of the Court's May 18, 2017 Order, which denied your request for identical relief without prejudice. A copy of the May 18, 2017 Order was first served on you by the Court on May 20, 2017 and was also delivered to you with this Court's June 6, 2017 letter (copies of which are again enclosed for your reference). Subsequently, you refiled papers seeking identical relief, which were returned to you for similar reasons, with the principal reasons being the failure to complete and file the necessary schedules, and satisfy the credit counseling requirements. See my June 29, 2017 letter, a copy of which is also enclosed (without attachments).

Next, because this is your third attempt to reopen this case and because you still have not (i) filed the necessary schedules; and (ii) provided a certification explaining why you were unable to file the credit counseling certificate prior to the filing of this case on January 13, 2017, your Motion is being denied, *with prejudice*. The schedules should have been filed fourteen (14) days after you first filed your petition on January 13, 2017, which is now almost eight months ago. The certification as to why you could not obtain the credit counseling certificate before the filing was due with your initial filing in January and allows for only a forty-five day extension, at most. Your credit counseling certificate is dated June 21, 2017, which is significantly beyond that deadline. Thus, it is simply too late to reopen your case and your Motion is being denied for the reasons set forth in this letter. You are also precluded from any further filings in this case without the previous permission of this Court, which will be granted only if you seek relief other than reopening this case and other good cause shown. Any further relief you seek from this Court will require the filing of a new case and compliance with all applicable provisions of the Bankruptcy Code and Rules.

As before, the Court strongly recommends that you retain an attorney or, if you cannot afford one, contact Central Jersey Legal Services at (908) 354-4340. You may also contact the Union County Bar Association at (908) 353-4715.

Sincerely yours,


Vincent F. Papalia
United States Bankruptcy Judge

Enclosures

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEW JERSEY
M.L. KING, JR. FEDERAL BUILDING
50 WALNUT ST., 3RD FLOOR
NEWARK, NEW JERSEY 07102

VINCENT F. PAPALIA
BANKRUPTCY JUDGE

PHONE: (973) 368-1244
FAX: (973) 645-3696

June 29, 2017

Mr. John Richard Link
515 Yale Avenue
Hillside, NJ 07205

Re: In re John R. Link
Case No. 17-10820 (VFP)

Dear Mr. Link:

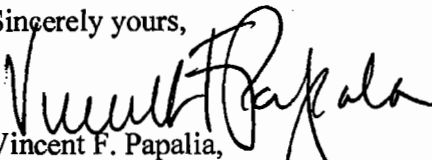
The following documents you recently submitted for filing are being returned to you because you have not complied with the Court's May 18, 2017 Order, a copy of which was forwarded to you with this Court's June 6, 2017 letter (copies of which are included):

1. Notice of Motion to Reopen Case
2. Application to Extend Time to File Missing Documents
3. Application to have Filing Fee Waived.

These documents are not being filed and are being returned to you because you have not (i) filed the necessary schedules; and (ii) provided a credit counseling certification or an excuse from the requirement of filing same as required by the May 18, 2017 Order. Requesting an extension of time to file the schedules does not satisfy the requirement of filing the schedules (and all related documentation), all of which is available from the Court's website. The schedules should have been filed fourteen (14) days after you first filed your petition on January 13, 2017, which is five months ago. No further extensions are warranted in any event. You also did not address the credit counseling requirement.

As before, the Court strongly recommends that you retain an attorney or, if you cannot afford one, contact Central Jersey Legal Services at (908) 354-4340. You may also contact the Union County Bar Association at (908) 353-4715.

Sincerely yours,


Vincent F. Papalia,
United States Bankruptcy Judge

Enclosures

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEW JERSEY
M.L. KING, JR. FEDERAL BUILDING
50 WALNUT ST., 3RD FLOOR
NEWARK, NEW JERSEY 07102

VINCENT F. PAPALIA
BANKRUPTCY JUDGE

PHONE: (973) 368-1244
FAX: (973) 645-3696

June 6, 2017

Mr. John Richard Link
515 Yale Avenue
Hillside, NJ 07205

Re: In re John R. Link
Case No. 17-10820 (VFP)

Dear Mr. Link:

The Court is in receipt of your motion to reopen case to file Certification About Financial Management Course. This motion is not being filed or listed for hearing and is being returned to you because you have not complied with this Court's May 18, 2017 Order (copy attached). In this regard, you have failed to:

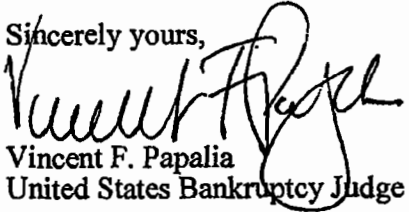
- (1) provide complete schedules, as required by paragraph (i);
- (2) provide a credit counseling certificate or an excuse from the requirement of filing same, as required by paragraph (ii); and
- (3) provide a Certificate of Service.

Additionally, you have to pay the filing fee or file an application to waive the filing fee or pay it in installments. In order for any such motion to be considered, you will need to comply with these requirements and file a completed Statement of Financial Affairs. All these forms can be obtained from the Bankruptcy Court's website, <http://www.njb.uscourts.gov> or in the Bankruptcy Court Clerk's office here in Newark at 50 Walnut Street, M.L.King Jr. Federal Building.

Since you have not been able to satisfy these basic requirements to date, it is strongly recommended that you contact an attorney or, if you cannot afford one, Central Jersey Legal Services at (908) 354-4340. You may also contact the Union County Bar Association at (908) 353-4715 for attorney references.

Please be guided accordingly.

Sincerely yours,


Vincent F. Papalia
United States Bankruptcy Judge

/pc
Enclosure



Order Filed on May 18, 2017
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY	
In Re:	
JOHN R. LINK,	
Debtor.	

Case No.: 17-10820 (VFP)
Chapter: 7
Hearing Date: May 16, 2017
Judge: Vincent F. Papalia

ORDER DENYING DEBTOR'S MOTION TO REINSTATE CASE

The relief set forth on the following page, numbered two (2) through three (3), is hereby **ORDERED**.

DATED: May 18, 2017



Honorable Vincent F. Papalia
United States Bankruptcy Judge

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Case name: In re John R. Link
Case no.: 17-10820 (VFP)
Caption of Order: Order Denying Debtor's Motion to Reinstate Case

This matter is before the United States Bankruptcy Court for the District of New Jersey on the Motion (the "Motion") of John R. Link, Debtor *pro se* (the "Debtor"), to reinstate his bankruptcy case which was dismissed on January 30, 2017 for failure to file schedules;

And it appearing that the Debtor filed the instant bankruptcy case on January 13, 2017; that the case was dismissed by Order entered on January 30, 2017 for failure to file schedules; that the dismissal mooted (i) the Court's Order to Show Cause why the case should not be dismissed for failure to obtain credit counseling; and (ii) the Debtor's application to have the filing fee waived;

And the Debtor having filed this Motion on April 27, 2017; and the Court having on April 28, 2017 entered an Order Shortening Time (the "OST") at Debtor's request, which scheduled a hearing on May 16, 2017 and 10:00 a.m. and required an appearance in order to prosecute this Motion; and it appearing that the OST further required Debtor to (i) file all required documents at least seven (7) days before the hearing date on the OST; and (ii) file a proof of service of the OST and supporting documents prior to the hearing date on the OST; and the Court having reviewed the Debtor's submission; and the Debtor having failed to appear on the return date of the Motion; file the required documents and file a Certification of Service of the OST; and for good cause shown; and for the reasons set forth on the record on May 16, 2017, it is

ORDERED that the Debtor's Motion to reinstate his case is **DENIED** without prejudice for the following reasons:

- (i) the Debtor failed to provide a copy of his completed schedules with his Motion.

Any new Motion to Reinstate must be accompanied by complete schedules;

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Case name: In re John R. Link

Case no.: 17-10820 (VFP)

Caption of Order: Order Denying Debtor's Motion to Reinstate Case

- (ii) the Debtor failed to provide a credit counseling certificate. If Debtor seeks to be excused from credit counseling on the basis of disability under 11 U.S.C. § 109(h)(4) (as his last petition indicates), he must, in addition to filling out Part 5, paragraph 15, of the petition, file a motion for waiver of credit counseling as required by Part 5, paragraph 5; and
- (iii) the Debtor failed to serve the OST with supporting documents and ^{failed} ~~filed~~ to file a Certificate of Service as required by the OST.

Form order -- ntcorder

UNITED STATES BANKRUPTCY COURT

District of New Jersey
MLK Jr Federal Building
50 Walnut Street
Newark, NJ 07102

Case No.: 17-10820-VFP
Chapter: 7
Judge: Vincent F. Papalia

In Re: Debtor(s) (name(s) used by the debtor(s) in the last 8 years, including married, maiden, trade, and address):

John Richard Link
515 Yale Avenue
Hillside, NJ 07205

Social Security No.:
xxx-xx-0708

Employer's Tax I.D. No.:

NOTICE OF JUDGMENT OR ORDER
Pursuant to Fed. R. Bankr. P. 9022

Please be advised that on May 18, 2017, the court entered the following judgment or order on the court's docket in the above-captioned case:

Document Number: 24 - 19

Order Denying Motion To Reinstate Case (Related Doc # 19). Service of notice of the entry of this order pursuant to Rule 9022 was made on the appropriate parties. See BNC Certificate of Notice. Signed on 5/18/2017. (mcp)

Parties may review the order by accessing it through PACER or the court's electronic case filing system (CM/ECF). Public terminals for viewing are also available at the courthouse in each vicinage.

Dated: May 18, 2017

JAN: mcp

Jeanne Naughton
Clerk